

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
August 19, 2013  
7:00 p.m.**

**Mayor Jeffrey E. Graham Presiding**

**Present:** Council Member Roxanne M. Burns  
Council Member Joseph M. Butler, Jr.  
Council Member Teresa R. Macaluso  
Council Member Jeffrey M. Smith  
Mayor Graham

**Also Present:** Sharon Addison, City Manager  
Robert J. Slye, City Attorney

**City staff present:** Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Mike Sligar, Erin Gardner, Beth Morris, Pete Monaco, Chief Herman, Barbara Wheeler, Brian Phelps, Peter Keenan

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena, Watertown Minor Hockey Association
- Resolution No. 2 - Approving Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena, Figure Skating Club of Watertown
- Resolution No. 3 - Readopting Fiscal Year 2013-14 General and Library Fund Budgets
- Resolution No. 4 - Approving Construction Phase Service Invoice for Professional Services Agreement with CRA Infrastructure and Engineering, Inc. for Water Treatment Plant Filter Media Rehabilitation
- Resolution No. 5 - Approving the Site Plan For Construction of a 28-Space Parking Lot to Serve a 50-Unit Multi-Family Residential Renovation Project at 29-41 Public Square, Parcels 7-01-116, 7-01-114, 7-01-113, and 7-01-112.001
- Resolution No. 6 - Approving the Site Plan For Construction of a 3,624 Square Foot Oral Surgeon's Office, Plus Parking Lot and Landscaping, at 163 Bellew Avenue South, Parcel 9-11-117
- Resolution No. 7 - Authorizing Application for NYS Division of Homeland Security and Emergency Services Grant, Fire Department
- Ordinance No. 1 - Amending City Municipal Code § A320-4
- Thompson Park Pavilion and Restroom Roof Replacement
- Fiscal Year 2012-2013 GASB 45 Other Post-employment Benefits Actuarial Valuation
- Tax Cap for the Fiscal Year 2014-15 General Fund Budget
- Events Policy and Events Coordinator
- Arsenal Street Cemetery
- Discussion of Section 485-a

**Complete Reports on file in the office of the City Clerk**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 5, 2013 was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Macaluso and carried with all voting in favor thereof.

## **COMMUNICATIONS**

There were no communications.

## **PRIVILEGE OF THE FLOOR**

**Mike Flynn**, Black River, addressed the chair with a prepared statement (not on file in the Office of the City Clerk) concerning the Governor's health care exchange and a conversation which occurred on the Mayor's radio show on August 12, 2013, and that he felt the Mayor acted inappropriately in a discussion about Obamacare. Mr. Flynn discussed how the insurance coverage works and what was said during the show, mentioning conflicts of interest. He mentioned making available a phone number or email address to members of the community about the health care exchange. He said he believes people have a right to see what Obamacare has to offer.

**S. G. Gates**, 157 Dorsey Street, addressed the chair regarding a new dog park that he said will be opened in Oswego. He said the key to having well behaved dogs is socialization and taking care of dogs is a huge industry and money could be generated for the City with a dog park. He also discussed the dog ban and that individual organizations should have the choice as to whether they want dogs present or not. Mr. Gates discussed the use of working and training dogs in public as well.

## **RESOLUTIONS**

### **Resolution No. 1 – Approving Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena, Watertown Minor Hockey Association**

#### **Introduced by Council Member Roxanne M. Burns**

WHEREAS the City of Watertown owns and operates an Arena at the Alex T. Duffy Fairgrounds, and

WHEREAS the Watertown Minor Hockey Association expressed their desire to enter into an Agreement for bulk rental of ice time at the Fairgrounds Arena to support their programs, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facility,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Agreement for Bulk Rental of Ice Time at the Watertown Municipal

Arena between the City of Watertown and the Watertown Hockey Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

**Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.**

Prior to the vote on the foregoing resolution, Council Member Butler asked about the discounted hourly rate.

Erin Gardner, Superintendent of Parks and Recreation, replied that there is no hourly rate but rather the figure is 18% of what the total bill would have been.

Council Member Butler inquired if that is the same for the next resolution.

Ms. Gardner said that it is the same figure.

Mayor Graham asked if the hockey team signed their contract for this next winter.

Attorney Slye and Ms. Addison replied that they did.

**Resolution No. 2 – Approving Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena, Figure Skating Club of Watertown**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS the City of Watertown owns and operates an Arena at the Alex T. Duffy Fairgrounds, and

WHEREAS the Figure Skating Club of Watertown expressed their desire to enter into an Agreement for bulk rental of ice time at the Fairgrounds Arena to support their programs, and

WHEREAS City Council of the City of Watertown desires to promote recreational activities at this community recreational facility,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Agreement for Bulk Rental of Ice Time at the Watertown Municipal Arena between the City of Watertown and the Figure Skating Club of Watertown, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute said Agreement on behalf of the City of Watertown.

**Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.**

Prior to the vote on the foregoing resolution, Mayor Graham pointed out that some of the members of the club were present and he appreciated their participation.

**Resolution No. 3 – Readopting Fiscal Year 2013-14 General and Library Fund Budgets**

**Introduced by Council Member Jeffrey M. Smith**

WHEREAS on May 20, 2013 the City Council passed a resolution adopting the Budget for Fiscal Year 2013-14, of which \$41,021,635 was appropriated for the General Fund and \$1,301,973 was appropriated for the Library Fund, and

WHEREAS on August 5, 2013 the City Council approved change order number one with Raymond E. Kelley, Inc. in the amount of \$17,700 for the Flower Memorial library masonry restoration and fountain construction project creating a project funding shortfall of \$17,700, and

WHEREAS the Flower Memorial library masonry restoration and fountain construction project is being funded with current financial resources and not through the issuance of debt, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the General Fund Budget for Fiscal Year 2013-14 in the total amount of \$ 41,039,335 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustments be included in the re-adopted General Fund Budget:

Revenues

A.0000.0909	Fund Balance	<u>\$ 31,350</u>
Total		<u>\$ 31,350</u>

Expenditures

A 9512.0900	Transfer to Library Fund	<u>\$ 17,700</u>
Total		<u>\$ 17,700</u>

And,

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Library Fund Budget for Fiscal Year 2013-14 in the total amount of \$1,319,673 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustments be included in the re-adopted Library Fund Budget:

Revenues

L.0000.5031	Inter-fund Transfer	<u>\$ 17,700</u>
Total		<u>\$ 17,700</u>

Expenditures

L 9950.0900	Transfer to Capital Projects Fund	<u>\$ 17,700</u>
Total		<u>\$ 17,700</u>

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 4 – Approving Construction Phase Service Invoice for Professional Services Agreement with CRA Infrastructure and Engineering, Inc. for Water Treatment Plant Filter Media Rehabilitation**

**Introduced by Council Member Teresa R. Macaluso**

WHEREAS On November 7, 2011, the City Council of the City of Watertown approved a professional service agreement with CRA Infrastructure and Engineering, Inc. to design and oversee the construction of the Filter Media Rehabilitation project at the Water Treatment Plant in an amount not to exceed \$24,700, and

WHEREAS CRA Infrastructure and Engineering, Inc. has submitted a final invoice for out of scope work performed during the construction phase of the project in the amount of \$14,211.56, bring the total cost of the professional services agreement to \$38,911.56;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the construction phase service invoice for the Professional Services Agreement between the City of Watertown, New York and CRA Infrastructure and Engineering, Inc., bringing the total amount of this professional services agreement to \$38,911.56, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**Seconded by Council Member Roxanne M. Burns and carried with all voting yea.**

Prior to the vote on the foregoing resolution, Council Member Smith asked if this is regarding what the Department of Health wanted for a temporary fluoridation filter.

Mike Sligar, Water Superintendent, explained that this particular change order is for the five filter media projects.

Council Member Butler noted there is a significant number of hours that were added and that the labor alone was roughly 150 hours and inquired if the City asked for that to be done.

Mr. Sligar said it is a significant number of hours that were not budgeted.

Council Member Butler noted the 50% to 60% increase on what was anticipated. He wished to point out that this was on the City in terms of the fact that the City asked them to do additional work, well beyond the scope of the professional bid.

**Resolution No. 5 – Approving the Site Plan For Construction of a 28-Space Parking Lot to Serve a 50-Unit Multi-Family Residential Renovation Project at 29-41 Public Square, Parcels 7-01-116, 7-01-114, 7-01-113, and 7-01-112.001**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS Ryan Churchill of GYMO, on behalf of White Birch Enterprises, has submitted a request for site plan approval for construction of a 28-space parking lot to serve a multi-family residential renovation project at 29-41 Public Square, parcels 7-01-116, 7-01-114, 7-01-113, and 7-01-112.001, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan amendment at its meeting held on August 6, 2013, and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

1. The applicant shall provide a handicap parking space for the project that includes an accessible route to the subject building.
2. The applicant shall add a label Sheet C-101 noting the removal of the existing curb and a transition to the existing curb to remain.
3. The applicant shall provide a detail of the curb transition.
4. The applicant shall remove the southernmost light pole from the plan and instead install lights on the west and east sides of the parking lot.
5. The applicant shall provide a junction box on the retaining wall in the event that an additional wall mounted light is needed to illuminate the parking area.
6. The applicant shall provide pre- and post-development drainage calculations and drainage area maps.
7. The applicant shall shift the retaining wall to provide five feet clear distance to the sanitary sewer line. Test holes shall be performed on the sewer line to confirm adequate depth.
8. The applicant shall depict the proposed subdivisions of 29 and 41 Public Square on the Site Plan, and label them with "proposed subdivision by the City of Watertown."

And

WHEREAS the Jefferson County Planning Board reviewed the request at its July 30, 2013 meeting, and determined that the project does not have any significant County-wide or inter-municipal issues and is of local concern only, and

WHEREAS the City Council determined that the project will not have a significant effect on the environment, pursuant to the State Environmental Quality Review Act, on July 1, 2013,

NOW THEREFORE BE IT RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Ryan Churchill of GYMO, on behalf of White Birch Enterprises, for construction of a 28-space parking lot to serve a multi-family residential renovation project at 29-41 Public Square, parcels 7-01-116, 7-01-114, 7-01-113, and 7-01-112.001, as shown on the site plan submitted to the City Engineer on July 17, 2013, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Resolution No. 6 – Approving the Site Plan For Construction of a 3,624 Square Foot Oral Surgeon’s Office, Plus Parking Lot and Landscaping, at 163 Bellew Avenue South, Parcel No. 9-11-117**

**Introduced by Council Member Roxanne M. Burns**

WHEREAS Christopher Todd of Aubertine and Currier has submitted a request for site plan approval for construction of a 3,624 square foot oral surgeon’s office, plus parking lot and landscaping, at 163 Bellew Avenue South, parcel 9-11-117, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on August 6, 2013, and voted to recommend that the City Council of the City of Watertown approve the site plan with the following conditions:

1. The applicant shall depict and provide photometric information for any lights installed on the rear (east) side of the building.
2. The applicant shall delete the dashed border from the topographic layer on the Site Plan.
3. The applicant shall provide a detail of the connection between the proposed HDPE storm sewer line and the existing PVC stub.
4. The applicant shall provide a revised landscaping plan that includes trees along the entire length of the front property line spaced approximately 60’ on center and trees along the east side of the parking lot.
5. The proposed landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
6. The applicant shall provide a wet-stamped copy of the property survey. The survey must depict existing topography.

And

WHEREAS the Jefferson County Planning Board reviewed the request at its July 30, 2013 meeting, and determined that the project does not have any significant County-wide or inter-municipal issues and is of local concern only, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is an Unlisted Action and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Code Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Code

Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Christopher Todd of Aubertine and Currier for construction of a 3,624 square foot oral surgeon's office, plus parking lot and landscaping, at 163 Bellew Avenue South, parcel 9-11-117, as shown on the site plans submitted to the City Engineer on July 17, 2013, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

**Seconded by Council Member Joseph M. Butler Jr. and carried with all voting yea.**

**Resolution No. 7 – Authorizing Application for NYS Division of Homeland Security and Emergency Services Grant, Fire Department**

**Introduced by Council Member Joseph M. Butler Jr.**

WHEREAS the New York State Division of Homeland Security and Emergency Services (DHSES) is accepting applications for funding through September 4, 2013, and

WHEREAS the City of Watertown Fire Department has prepared an application that meets the intended purpose of this grant, which will allow the department to purchase a vehicle with the capability of supporting four passengers and a towing capability of greater than eight ton, and

WHEREAS the application, in the amount of \$69,905, does not require any matching funds from the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application in the amount of \$69,905 to the New York State Division of Homeland Security and Emergency Services, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

**Seconded by Council Member Teresa R. Macaluso**

Council Member Smith commented that he thought the memo on this topic was a bit vague in terms of the type of vehicle being requested and what the department currently has.

Dale Herman, Fire Chief, replied that the department has a 2008 F350 and a 2006 three-quarter ton that is capable of towing the fire safety trailer. The largest trailer that the department tows is 15,000 pounds. He mentioned that on Saturday, August 17, City Firefighters responded with the haz-mat trailer to Adams Center and the F350 was used for that. He said, however, all of the vehicles that have towing capacity only have riding capacity for two people. Chief Herman added that if the Fire Department ever had to go a very long distance, or even a community such as Adams Center, multiple vehicles would be deployed. He added that if the grant money was approved, it would have to go out to bid.

Council Member Smith asked if this new vehicle would be a four by four that could fit four people.



Chief Herman said that is correct and the department is looking for an F450 series vehicle.

Council Member Smith commented that it sounds like the main concern is not for towing equipment in the City of Watertown, which is the service area, but rather towing equipment outside the City.

Chief Herman replied that both instances are important. The F350 is marginal in pulling the largest trailer and if multiple trailers had to be moved simultaneously, then there would be issues with available vehicles with adequate towing capacity.

Council Member Smith asked how it is done now.

Currently all the department has are the 350 and a 2001 one-ton, Chief Herman said, and noted the technical rescue trailer is the largest trailer.

Council Member Smith asked if the Fire Department was dispatched in the City, would there be an incident where only two people would respond.

Chief Herman said within the City, more than two people would respond.

Council Member Smith again pointed out that it seems that the biggest concern is if the City Fire Department had to respond to mutual aid outside the City's service area rather than inside the City, and reiterated that any call inside the City would draw more than two people in one truck.

Chief Herman responded that is correct.

Council Member Burns asked if Jefferson County had their own haz-mat team and equipment.

Chief Herman replied that around 2001, the State of New York purchased a number of haz-mat response trailer units. Three of those units were assigned to the Jefferson County area. One year or so ago, the State turned the responsibility of the upkeep of those vehicles to the local jurisdiction, which is Jefferson County. Currently there is one trailer that the City Firefighters were tasked with reorganizing by Jefferson County which is being called the de-con trailer. The idea was to have one trailer unit for de-con purposes, one unit for weapons of mass destruction purposes and one unit to store the other equipment that was provided by the State but did not have a necessary place. One unit, he said, is housed at Station 1 on Massey Street and that would respond with the haz-mat truck that is stationed at Station 3.

Council Member Smith asked if that is a County trailer and asked how it gets out.

Chief Herman replied it is an asset that was the State's but was turned over to the County and the City trucks take it out.

Council Member Smith said it sounds like the City Fire Department is turning into a County Fire Department.

Chief Herman commented that the City Fire Department is a regional resource to outlying areas and that is one of the goals of this grant to be a regional asset.

Council Member Burns stated it is funded by City residents.

Council Member Butler asked about the grant application process and if there are any questions related to how it will be used.

Chief Herman said the grant is based on a regional allocation; there is not enough funding to put a resource in every hometown community. The State is looking to regionalize resources to be available to provide services in a regionally geographic area. Therefore, since it is housed in the City of Watertown, the City receives the benefit of having the resource as well as the people who are just outside the borders of the City.

Council Member Butler inquired if a plow could be put on the front of it.

It has the capability of having a plow on the front but it is a large truck so a plow would make it that much larger, the Chief said.

Council Member Butler asked if the City had this last year, how many times would it have been deployed.

Chief Herman said it would have gone out about a dozen times.

Council Member Macaluso inquired if there is something more essential to the Department than this truck.

Chief Herman said the grant is for each specific technical rescue group such as high-rise, trench rescue, confined space, water rescue and others along with a detailed list of equipment that is needed to meet a certain level of response capability. Currently, the City has as much of that equipment as it can house in the trailer units that it has. The next logical step, he said, is to obtain something to move that equipment with.

Council Member Smith said he understands the State wishes to have a regional approach but the problem is that it is not a regionally paid for service. The grant is regionally paid for, but he said if City Firefighters get deployed, the City backfills and sometimes it is overtime, which is covered by City taxpayers. The truck is not regionally funded for use and upkeep and Council Member Smith said he has concerns about the cost.

Chief Herman said currently there have been two deployments outside of our regional area and both were determined to be states of emergency. All of the costs incurred in both were reimbursed by those localities, he said.

Council Member Burns inquired about the reimbursement process.

Chief Herman said the City was deployed under the Statewide Mutual Aid Policy Group, explaining that if a disaster were to occur that the local fire department could not handle alone, they would contact other

agencies in their County. If those resources were not sufficient, then the State would be contacted. If the State could not assist then it would become a FEMA response, he said.

Council Member Macaluso commented that what she and her colleagues are trying to say is that they do not want the trucks going to Alexandria Bay and Ogdensburg, unless there is some huge disaster like hurricane Sandy. The concern is that if a truck is bought with various capabilities then other municipalities are going to want to use that truck, she said.

Chief Herman mentioned when a vehicle drove into the public television station a few years ago and the building became unstable. He explained which vehicles responded and said no one particular incident requires one specific vehicle but rather personnel and equipment as well. He said the department was looking at a more feasible and economic way of moving personnel and equipment.

Council Member Macaluso asked if the current process is costing the City a lot of money.

Chief Herman replied that multiple vehicles are being put on the road for the same incident.

Council Member Smith inquired if the purchase of this truck would eliminate some vehicles.

Chief Herman said it would not. He said he would be remiss in his duties if he did not bring this opportunity to Council's attention. The vehicle that is being sought is multi-faceted and if the rescue truck broke down, with no other vehicle for back up, this vehicle could be a local asset that if it was needed as a stand-by, it would allow the Department to continue to provide services to the City of Watertown.

Council Member Burns said unless there is something in front of her from an expert that says the existing equipment is in potential for failure and the backup is necessary, she said she will assume that the City's equipment is up to speed and where it is expected to be. She noted that the Fire Department's budget is the largest in the City and making a purchase for something that needs to be a regional asset is getting hard to sell. She added that she did not think it is fair to continue to build a fleet for regional use paid for by City taxpayers. She said that Jefferson County does have a haz-mat team, and if the City could buy it rather than the County, that is smart on their part. Council Member Burns said she wishes to table the resolution until she has an opportunity to get more information on the life expectancy of the current equipment being used and she said she would like to talk to her counterparts at the County to find out why they are not willing to carry some of the burden for regional urgency.

**Motion was made by Council Member Burns to table the resolution, seconded by Council Member Smith and carried with all voting in favor thereof.**

## **ORDINANCES**

**Introduced by Council Member Teresa R. Macaluso**

BE IT ORDAINED that Section A320-4, Schedule of Fees, of the City Code of the City of Watertown is hereby amended by adding the following paragraph:

§ A320-4. Schedule of fees.

- C. Miscellaneous Parks and Recreation Fees: Various Parks and Recreation fees shall be established and enforced as follows. Nothing in this section shall prohibit the City from entering into an agreement for the use of the Municipal Arena, at rates other than the rates described below. However, any such agreement shall require the approval of the City Council.
- (22) Event promoters of concerts or performances shall be charged a fee of \$250, per vendor, per day for the right to allow concessions at their event. All other user groups shall be charged \$50 per vendor, per day for the right to allow concessions at their event. This provision applies to the following locations: Thompson Park, Marble Fields, Kostyk Fields, and North Side Athletic Fields.

**Seconded by Council Member Roxanne M. Burns.**

**Motion for unanimous consent moved by Council Member Macaluso , seconded by Council Member Burns and carried with all voting in favor thereof**

Council Member Butler asked about the current fees of \$50.00 per year and what types of vendors are found at the City fields.

Ms. Gardner said the vendors sell hot dogs, hamburgers and popcorn and will come to tournaments. She added that it does not happen often.

Discussion centered around the cost of the vending fee versus what the profits are for the vendor.

Council Member Butler mentioned that he does not see a lot of opportunity for a vendor at Kostyk Field and said he has a problem with the fee.

Mayor Graham said the question is is there a cost to the City or does something have to be maintained by the City.

Ms. Gardner replied that she believes the people who rent the fields and run the tournaments want to have a say in who comes to their event to do the vending. She said she has been approached three times over the summer on this topic. For tournaments, such as the softball tournament put on by Mike Lennox, they have an all day event with 30-40 teams using all of the Northside fields. She said he would get in touch with a vendor to sell hot dogs.

Mayor Graham said no one has exclusive rights to any field. If there is no cost to the City involved, he suggested a seasonal permit might be better because this is not very enforceable. He asked what is trying to be accomplished; to collect money or to offset a cost. He said this might require some more thought.

Ms. Gardner she said one of the goals was to maintain consistency as there are tournaments at the Fairgrounds where they do get charged the \$50.00 fee and similar tournaments take place at other fields.

Council Member Macaluso said she does not view tournaments the same as weekly games. She says she agrees it will be hard to enforce and collect money from some vendors. She said she thinks \$50.00 is a little high, especially for smaller events.

Mayor Graham said the reason for regulating is two-fold; one is to ensure compliance with laws that protect public safety and to let people know who come on City property that those selling them stuff are complying with

the laws in the food industry. He said he wonders if \$50.00 per day is a good cost even for events that may vary radically in size. He suggested the use of a seasonal or annual permit instead, and debate the fee for that later.

Council Member Butler inquired if there is verification done for those who apply for vending permits. He said he commends Ms. Gardner for trying to achieve consistency with a topic that is so inconsistent in nature and added that the \$50.00 fee is too high.

Mayor Graham asked about the section of the code in which permits are issued.

Ms. Gardner replied it is under vending on City streets.

Mayor Graham asked if the applicant has to prove anything when they apply.

Ms. Lewis replied that the City Clerk has the applicant fill out an application with a Tax ID number and other health certificate information so there is verification that they are able to vend.

Council Member Macaluso asked if the same people come to the events.

Ms. Gardner said it is usually the same three vendors.

Mayor Graham noted that when an applicant finds out the fee might go from \$50.00 for the year to \$1500.00, if they do 30 games, that is when the repercussions come back to Council and the ordinance gets amended again. He said he thinks the topic should be studied a little more.

**Motion was made by Mayor Jeffrey E. Graham to table the foregoing ordinance, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.**

## **OLD BUSINESS**

### **Resolution No. 8 – Accepting Bid for Thompson Park Cedar Shingle Roof Rehabilitation Project; Sony NY Management & Construction Corporation**

#### **Introduced by Council Member Roxanne M. Burns**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the rehabilitation of the cedar shingle roofs for the pavilion and the restroom structure at Thompson Park, and

WHEREAS bid specifications were requested by twelve (12) contractors, with four (4) bids received and publicly opened and read in the City Purchasing Department on Friday, June 21, 2013 at 11:00 a.m., and

WHEREAS City Purchasing Manager Amy Pastuf and City Engineer Kurt Hauk reviewed the bids received, and it is their recommendation that the City Council accept the bid submitted by Sony NY Management & Construction Corporation, and exercise Alternative 1, for a bid total of \$268,199.20;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York accepts the bid submitted by Sony NY Management & Construction Corporation as detailed above, for the rehabilitation of the cedar shingles roofs for the pavilion and the restroom structure at Thompson Park \* **using composite cedar shakes.**

**Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.**

**Rules waived by motion of Council Member Burns, seconded by Council Member Macaluso and carried with all voting in favor thereof.**

Mayor Graham said he and some other Council Members thought this should be revisited because of some misunderstanding last time as to the cedar shake and the thought it was made of wood while Council wanted something more durable. This bid, he said, presumes that the composite material will be used which will provide durability for some time. The roof on the restroom can also be done and the Manager has expressed a desire to redo the inside of the restroom as well as look at whether other restrooms should be built. He said he wishes Council would have thought of the composite material when the zoo pavilion was done and that staff should move ahead with this project in hopes that it will be 50 or more years before this material wears out.

Council Member Butler asked if there was a guarantee from the manufacturer.

Kurt Hauk, City Engineer, responded it will be like all roof guarantees, declining over the years and covers materials only. The proof is in the material itself, he said, the cedar shakes will need to be power washed and resealed every seven years.

Council Member Butler inquired if there were any local examples.

Mr. Hauk said there are not but staff contacted a company with similar products in similar climates to ours and noted there is a siding product.

Mayor Graham asked how big a deal the maintenance is every seven years.

Mr. Hauk said it will need to be power washed to get any growth off of it then reseal it and if that is not done it will start to break down.

Mayor Graham commented that he would have been happy putting a metal roof on, as he would have been at the zoo, and reiterated that he wishes this would have been thought of for the zoo.

Council Member Butler asked if the company doing the project has used this material before.

Mr. Hauk replied there is a certification process and the contractor is certified for this installation.

Council Member Burns noted that she went to the City Manager's office and said she thought the example provided looked very nice close up so obviously on a roof it is a very nice alternative. She suggested, before acting on the resolution, changing the wording to include verbiage clarifying that they are faux cedar shakes.

**Motion was made by Council Member Burns to amend the resolution to add to the last paragraph "...using composite cedar shakes." Seconded by Mayor Graham, and carried with all voting in favor thereof.**

**At the call of the chair, vote was taken on the foregoing resolution with all voting in favor thereof.**

## **STAFF REPORTS**

### **Fiscal Year 2012-13 GASB 45 Other Post-employment Benefits Actuarial Valuation & Tax Cap for Fiscal Year 2014-15 General Fund Budget**

Council Member Butler wished to get the City Comptroller's opinion on the issues as it is a serious liability that the City faces if you look at the cash flow projections over 20 years and it should be part of every year's budget going forward.

James Mills, City Comptroller, responded that it is. Currently the City meets its obligations for retiree health care costs on a pay as you go basis with every budget. Right now, he said, the City is not funding the cost of this year's health insurance on an active retiree plus a portion of what they would see in their retirement years. There is no law in place in New York State to specifically set aside assets for that post-employment retirement coverage.

Council Member Butler mentioned the discounted rate of 4% to cover the future liability. He noted it is a significant amount of money that the City is spending on retirees.

Mayor Graham said he agrees and regrettably people do not have a realization of the costs.

Regarding the post-employment benefits, Council Member Butler inquired if that is something that is bid out every two years.

Mr. Mills replied that it is bid out for a four year cycle, in which every other year will have to have a full revaluation of the plan and in between years do a roll forward. He noted this is the first year that Armory as done the valuation.

Council Member Butler asked how much it cost.

Mr. Mills responded that he believed it was \$7,500.00 and there were at least five bids to pick from.

Mayor Graham noted, regarding the tax cap, that the projected number is actually dropping.

Mr. Mills replied that it is and it looks as though CPI will be less than 2% and that is one of the steps to go through, it is the lesser of 2% or CPI and the trend for the first half of 2013 is approximately 1.5% for CPI.

Mayor Graham asked to exceed the cap what is needed.

Mr. Mills said a majority is needed.

### **Events Policy and Events Coordinator**

Mayor Graham said he appreciates the Library Board coming up with methodology for holding events there.

Attorney Slye said he advised Mr. Coughlin that they should be aware of the City's alcohol policy for their vendors and he has provided him with a copy of the City's policy and the Alcohol and Beverage Control rules and regulations.

### **Arsenal Street Cemetery**

Mayor Graham noted the water is in and the rest is being worked on.

### **Discussion of Section 485-a**

Mayor Graham said he wanted to clarify that nothing is being voted on and he is not proposing that something be voted on but this has come up as there have been more mixed-use developments in the City. He said this has nothing to do with any projects, current or perceived. The question is if Council wants to have a fixed policy which would be City-wide to any qualifying property or should it be done on a case by case basis, through PILOTs and so on. He mentioned Council Member Smith has brought it up before and it was an issue with former Council Member Bradley's property. He added that Council Member Smith is for it and Council Member Burns has some reservations.

Council Member Burns commented that the law states that each individual taxing jurisdiction has to approve the exemption; adding that the County and the School cannot approve it unless the City does first. If Council decides that 485-a is the way to go, then that is fine, but she said she does not have any sense at this point if the County or the School District are willing to do the same. What she does know, she said, is that all of the parties involved want to support the Mercy project. Before taking a public stand on the matter, she said she would like to know how Council's counterparts are going to feel on the matter and it is important for the entities involved to have discussions. She said the COR developers have talked about the Mercy project being similar to the Kennedy Square project in Syracuse and she said it would behoove Council to get some representatives from the City, County and School Board if they wish to make a trip to Syracuse to look at that project.

Mayor Graham commented that this is not brought up in the context of Mercy because no one has even suggested that they are requesting it.

Council Member Burns replied that this is certainly being brought up in the context of Mercy. She said she understands the concept of an exemption, which means anyone in the City of Watertown can apply for it.

Mayor Graham said they can agree to disagree and there are other projects such as the Lincoln Building and perhaps some other things. As far as the other taxing jurisdictions, he said he understands what has to be done and has let the leaders of the other entities know that this would be discussed. He said he does not think this is something that will happen in the short term future, as far as Council acting on it.

Council Member Butler commented that he agrees wholeheartedly on the discussion with Council's partners at the County Legislature and the School Board and definitely should have a face to face meeting with them. He said he does not view this as COR or Mercy specific and added that if a 485-a will be passed, Council has to think about the broad perspective and if it will benefit the City and downtown area for redevelopment. He said this is a good chance to get idle sites developed.



Council Member Macaluso stated that it would also encourage individuals, not just developers, like Mr. Bradley who has invested in downtown and it will entice others to approach the City about development and it would be a step in the right direction.

Council Member Smith said one of the reasons it was originally brought forth was because Mr. Bradley brought it to his attention, although he would not be able to qualify for it because he already started his project, it was an opportunity for future projects, especially smaller ones that may not have the political weight of the Lincoln Building or Mercy redevelopment. He agreed that it is important to discuss the matter with the County and the School Board about potential impacts. The other great part, he said, would be limited to where it could be done, with commercial use on the first floor and residential or some sort of living arrangements on upper floors. In terms of tax breaks, he said there is a statutory formula versus five people deciding what a PILOT will be for any given project, which will change when Council members change.

Mayor Graham said the smaller to medium projects might benefit from it at some point as far as inducing investment.

Council Member Burns added that there are other funding mechanisms that can be utilized with the City's economic development partners, whether funding through the IDA or the Watertown Trust, and cited Ms. Macaluso's business as an example. As far as Mr. Bradley's project, she said sometimes projects can happen without tax breaks or incentives, and that he had enough faith in his project to make a private investment and one that, according to him, has really paid off. She said she does not believe that every developer needs an exemption to induce them to make developments in our area. She asked the City Assessor if the 485-b is currently offered.

Brian Phelps, City Assessor, replied that the 485-b is offered but cannot be used for mixed use.

Having individual PILOTs for certain larger projects is not a bad thing, Council Member Burns said, because a PILOT is a tool that can be used to drive development when the City wants it to happen.

Council Member Butler discussed economic development strategies, mentioning a residential exemption which is 421-f. The one area where there is a void is with mixed use buildings, he said.

## **NEW BUSINESS**

### **Work Sessions**

Mayor Graham commented that he has not seen Council as much as he would normally because there have been fewer work sessions. He said that for issues such as the exemption, issues such as the Fire Chief's truck or Parks and Recreation fees, which all need more detail, they do not lend themselves very well to a Council meeting where items are being rushed through. He added that he thinks the Council owes it to the public to be fully engaged twelve months a year and there should be work sessions in the summer months just as the other months. Mayor Graham noted there were three issues tonight that should have been raised ahead of time, before they get into resolution or ordinance form.

Council Member Butler added that he agrees wholeheartedly with the Mayor on the work session issue. He said he would welcome work sessions to address the types of issues that came up tonight in a comfortable setting. In addition, he said he liked the roundtable set up, especially when partners from development agencies or the County were in attendance for discussions.

Council Member Smith said he, too, concurs about the work sessions and has no problem with summer work sessions. He noted the Ogilvie Site was discussed during a work session but added that he does not want to cram too many topics into a work session, noting that one or two topics per meeting would be sufficient.

Mayor Graham commented that perhaps the reason that people have distaste for work sessions was because they got to be very long presentations or briefings from third-party entities. The Mayor said he is looking for discussion only meetings.

### **Clarification on Privilege of the Floor Comments**

Council Member Burns wished to clarify comments made by Mr. Flynn, noting she would like to do so on behalf of a friend, Jim Levin, the owner of Community Broadcasters. She said Mr. Flynn had referred to the Mayor's talk show as community radio and explained that it is not community radio, which gives a sense that it is a radio station somehow supported or promoted by the community, which is not the case. It is a talk show with the Mayor as the host, but it is not done in the capacity of Mayor, she said. In addition she noted that he does not represent the City's position when he is hosting the talk show, it is done for entertainment and to engage people in the community. National health care is not a City issue, she said, regardless of how anyone feels about it. It is a misrepresentation to refer to the program as community radio, she said.

Council Member Smith commented about the affordable health care act and the possibility of the City doing something for the exchanges. As a licensed provider and someone who has knowledge in the field, he said that is probably the worst piece of legislation that has ever been passed or written and will do the most damage to health care. Just because everyone has an insurance card, does not mean the providers will accept it, he said.

### **Cooper Street**

Council Member Butler mentioned the City Manager's Update in which the City is talking with Mr. Smith on Cooper Street about a small item but it is important to him and he said he liked seeing that topic being addressed.

### **Berow and Monroe**

Council Member Smith inquired about the take-back of the Berow and Monroe building and noted Attorney Slye had spoken with Mr. Capone on the matter.

Attorney Slye replied that Attorney Burrows had spoken with Mr. Capone but added that he could not give any information on the issue.

### **Canadian Flag**

Mayor Graham commented that the Canadian flag is flying in front of City Hall after a proclamation made earlier this month acknowledging the 1938 visit of President Roosevelt to Kingston, Ontario. It epitomized the bond between the United States and Canada, he said.

### **Athena Award Winner**

Mayor Graham said the recipient of the Athena Award will be present at the first Council meeting in September.

### **Empsall Building**

Mayor Graham noted he would update anyone who would like more information on the Empsall Building.

### **Woolworth Building**

Some work has been done on the Woolworth Building, including some clean up, Mayor Graham said.

### **Neighbors of Watertown**

Mayor Graham said Neighbors of Watertown is making a CFA, or Consolidated Funding Application, to the North Country Regional Development Council to try to get money for a revolving loan fund for rental property rehabilitation. He said they had asked the Watertown Trust to provide bridge financing and noted that Council would have to weigh in at some point on the topic. He said he believes it would benefit the City because a good portion of the one million dollars would be used in the City.

## **ADJOURNMENT**

**At the call of the chair, meeting was duly adjourned at 8:35 p.m. by motion of Council Member Macaluso, seconded by Council Member Smith and carried with all voting in favor thereof.**

**Amanda C. Lewis**  
Deputy City Clerk